

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
Poughkeepsie Division**

In re:)	
)	Case No. 4:15-bk-35318-cgm
HEATHER F. FAGANS)	
)	Chapter 13
Debtor.)	
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)	
HEATHER F. FAGANS,)	
)	
Plaintiff,)	Adversary
)	Proceeding No.: 20-09047-cgm
v.)	
)	
THE UNITED STATES DEPARTMENT OF)	
EDUCATION, NAVIENT SOLUTIONS LLC,)	
ASCENDIUM EDUCATION SOLUTIONS,)	
CITIZENS BANK N.A., and EDUCATIONAL)	
CREDIT MANAGEMENT CORPORATION,)	
)	
Defendants.)	

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes the Debtor, Heather F. Fagans, by and through her Attorney, Patrick J.

Best, of ARM Lawyers who respectfully moves this Honorable Court for default judgment pursuant to Bankruptcy Rule 7055 and in support thereof:

1. On November 18, 2020, Debtor/Plaintiff filed the above-captioned Adversary Proceeding seeking a determination that Plaintiff's student loans were dischargeable pursuant to 11 U.S.C. § 523(a)(8).
2. On November 18, 2020, a Summons was issued, establishing a deadline for Answer or Motion within 30 days (or 35 days for the United States).
3. Plaintiff filed a Certificate of Service on November 20, 2020.
4. The deadline for Answer has passed.

5. To date, no response has been filed to the Complaint in this matter by Defendant Ascendium Education Solutions.

6. The Clerk filed an Entry of Default on December 29, 2020. (Exhibit A).

7. Pursuant to Local Rule 7055-2, the Complaint to which no response has been made is attached as Exhibit B.

WHEREFORE, it is respectfully requested that this Honorable Court enter default judgment in Plaintiff's favor and finding that the student loans held or guaranteed by Ascendium Education Solutions are dischargeable pursuant to 11 U.S.C. § 523(a)(8).

Date: December 30, 2020

/s/ Patrick J. Best
Patrick J. Best, Esq.
ARM Lawyers
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Attorney for Debtor/Plaintiff